S.B. CIVIL WRIT PETITION NO.5513/2005

Kana Ram & ors. vs. State of Rajasthan & ors.

Date : 21.10.2005

HON'BLE MR. PRAKASH TATIA, J.

Mr. PS Bhati, for the petitioner.

Mrs. RR Kanwar, Dy. GA) for the respondents.
Mr. Dinesh Mehta)

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Heard learned counsel for the parties.

It appears that there is a dispute about the way which is going from Talsar to Krishna Ka Tala for which the petitioners have a serious grievance and according to learned counsel for the petitioners, originally the road was sanctioned towards a different site from the village but because of some vested interests, road has been diverted.

According to learned counsel for the petitioners, even the S.D.O., Guda Malani submitted a report before the District Collector, Barmer on 5.9.2005 wherein he clearly stated that the original sanctioned road was at a different place and he also suggested alternate way so that the relief can be given to larger public.

Learned counsel Mr. Dinesh Mehta submitted that the scheme was sanctioned by a Central Level Committee under the Pradhan Mantri Gram Sadak Yojna and once it is approved, it cannot be changed. However, it appears from Clause 10.3 of the Scheme that once a way is approved, the

alignment of road can be changed after obtaining comments of District Panchayat, State Technical Agencies and State Level Screening Committee. However, Clause 10.3 deals with the alignment of road only but according to learned counsel for the respondents, it will be proper to refer the matter to State Level Screening Committee to consider the matter again in case, at all this Court decides to refer the matter for reconsideration.

Since the S.D.O., who is administrative authority for the sub division, has submitted a report before the District Collector, Barmer which according to learned counsel for the petitioners supports the case of the petitioners, therefore, it will be proper to refer the matter for reconsideration of the administrative authority but this should not delay the implementation of the scheme in any manner.

Therefore, the learned District Collector, Barmer is requested to forward the report of S.D.O., Guda Malani dated 5.9.2005 to the State Level Screening Committee who may consider the matter and pass appropriate order after giving full opportunity of hearing to the petitioners, State representative and Gram Panchayat. The matter may be decided within a period of one week only so that public work should not suffer. Learned counsel for the respondents submit that before that period, the work will not start on the disputed land.

In view of the above also, it is emphasised that the matter be decided expeditiously within the period given above.

With the aforesaid observations and directions, this writ petition is disposed of.

(PRAKASH TATIA), J.

S.Phophaliya